

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Ian Baird Smith et al.

**Serial No.:** 09/445,043

**Filing Date:** March 20, 2000

**Title:** APPARATUS AND METHOD FOR  
CLOSING OFF THE OPEN END OF A  
CONTAINER WITH A REMOVABLE  
FLEXIBLE MEMBRANE COVERED  
BY A RIGID CAP

**Docket No:** 350013-000065

**Confirmation No.** 9395

**Group Art Unit:** 3781

**Examiner:** Robin Annette Hylton

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

In response to the June 8, 2009 Notification of Non-Compliant Appeal Brief, attached is a replacement "Summary of Claimed Subject Matter." Additional remarks are enclosed herewith.

**REMARKS**

Remarks commence on page 2.

**SUMMARY OF CLAIMED SUBJECT MATTER**

Summary of claimed subject matter commences on page 3.

**CLAIMS**

Claims commence on page 5.